

December 3, 1963

Mr. Jerry L. Brownlee  
City Manager  
City of Fort Worth  
Fort Worth, Texas

Dear Mr. Brownlee:

Attention: Mr. Howerton

I am attorney for Rose Hill Burial Park, in whose cemetery, as you well know, the remains of Lee Harvey Oswald have been interred.

I am informed by Mr. Howerton of the police department that a request has been made by the United States District Attorney for the Northern District of Texas that the remains of Lee Harvey Oswald be protected at least until the investigating committee, appointed by President Johnson and headed by Chief Justice Warren, has seen fit to make a complete study of all of the matters related to the assassination of President Kennedy.

Mr. E. P. Saltzer, who is the general manager of Rose Hill Burial Park, is well acquainted with the efforts which the police department, with or without the assistance of members of the Secret Service, have made to safeguard Oswald's remains ever since the burial. It is clear that the guard maintained at the cemetery by the police department is a great public expense, and sooner or later it will have to be terminated.

Mr. Howerton consulted with Mr. Saltzer about the possibility of having Rose Hill Burial Park, at its expense, place a re-inforced concrete slab about six inches below ground level in order to protect the remains at least until after the presidential inquiry has been completed. Mr. Howerton has suggested that a slab six inches thick and approximately three feet by six feet in size would accomplish this result.

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Mr. Jerry L. Brownlee

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It is, of course, impossible for Rose Hill Burial Park to undertake any such action on its own initiative. The grave space occupied by Lee Harvey Oswald's body belongs to his mother. I believe it that under the law, the control of the remains is vested in his family, and no authority exists in law for Rose Hill Burial Park to do anything with respect to this or any other grave except furnish it the perpetual care which is provided for it, and for the plot of ground upon which the grave exists, and to enforce the restrictions with respect to the use of the burial plot.

It would be agreeable to Rose Hill Burial Park if the City of Fort Worth or the United States Government, with the consent of the mother of the decedent, chose to place such a protective slab below ground level over the remains of the decedent.

I remind you that no burial park has the responsibility of insuring in perpetuity that graves of persons interred in it are not desecrated by vandals. No cemetery in Fort Worth is surrounded by any wall. It happens that a substantial steel and masonry fence exists along the north line of Rose Hill Burial Park, and a portion of the east and west sides have chain-wire fences. The rest of the burial park has only hedges or open space. Of course, the gates are locked at night and automobile traffic is denied entrance to the park on the roads adjacent to the cemetery after sunset and until eight o'clock in the morning.

Please be assured that within the limits of my clients' authority we will do everything we can that this grave receives the same care and attention as any other grave in the cemetery, but beyond this they have no legal right to go.

Mr. Soltner has asked me to express his appreciation to the police department for the cooperative manner in which its officers have carried out the security duties imposed upon them at the cemetery.

Cordially yours,

Donald C. Rubar

DCE/sdr

CC: Hon. Bancroft Sanders  
U. S. District Attorney  
United States Court House  
10th and Lamar  
Fort Worth, Texas

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